
HOUSE BILL 2183

State of Washington 60th Legislature 2007 Regular Session

By Representatives Hudgins, Schual-Berke, Upthegrove, Hasegawa,
Dickerson, Cody and McDermott

Read first time 02/12/2007. Referred to Committee on Local Government.

1 AN ACT Relating to the compensation of port district employees; and
2 amending RCW 53.08.170.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 53.08.170 and 2002 c 362 s 1 are each amended to read
5 as follows:

6 ((The)) (1) Subject to the conditions stated in subsections (2) and
7 (3) of this section, a port commission shall have authority to create
8 and fill positions, to fix wages, salaries and bonds thereof, to pay
9 costs and assessments involved in securing or arranging to secure
10 employees, and to establish such benefits for employees, including
11 holiday pay, vacations or vacation pay, retirement and pension
12 benefits, medical, surgical or hospital care, life, accident, or health
13 disability insurance, and similar benefits, already established by
14 other employers of similar employees, as the port commissioner shall by
15 resolution provide: PROVIDED, That any district providing insurance
16 benefits for its employees in any manner whatsoever may provide health
17 and accident insurance, life insurance with coverage not to exceed that
18 provided district employees, and business related travel, liability,

1 and errors and omissions insurance, for its commissioners, which
2 insurance shall not be considered to be compensation.

3 Subject to chapter 48.62 RCW, the port commission shall have
4 authority to provide or pay such benefits directly, or to provide for
5 such benefits by the purchase of insurance policies or entering into
6 contracts with and compensating any person, firm, agency or
7 organization furnishing such benefits, or by making contributions to
8 vacation plans or funds, or health and welfare plans and funds, or
9 pension plans or funds, or similar plans or funds, already established
10 by other employers of similar employees and in which the port district
11 is permitted to participate for particular classifications of its
12 employees by the trustees or other persons responsible for the
13 administration of such established plans or funds: PROVIDED FURTHER,
14 That no port district employee shall be allowed to apply for admission
15 to or be accepted as a member of the state employees' retirement system
16 after January 1, 1965, if admission to such system would result in
17 coverage under both a private pension system and the state employees'
18 retirement system, it being the purpose of this proviso that port
19 districts shall not at the same time contribute for any employee to
20 both a private pension or retirement plan and to the state employees'
21 retirement system. The port commission shall have authority by
22 resolution to utilize and compensate agents for the purpose of paying,
23 in the name and by the check of such agent or agents or otherwise,
24 wages, salaries and other benefits to employees, or particular
25 classifications thereof, and for the purpose of withholding payroll
26 taxes and paying over tax moneys so withheld to appropriate government
27 agencies, on a combined basis with the wages, salaries, benefits, or
28 taxes of other employers or otherwise; to enter into such contracts and
29 arrangements with and to transfer by warrant such funds from time to
30 time to any such agent or agents so appointed as are necessary to
31 accomplish such salary, wage, benefit, or tax payments as though the
32 port district were a private employer, notwithstanding any other
33 provision of the law to the contrary. The funds of a port district
34 transferred to such an agent or agents for the payment of wages or
35 salaries of its employees in the name or by the check of such agent or
36 agents shall be subject to garnishment with respect to salaries or
37 wages so paid, notwithstanding any provision of the law relating to
38 municipal corporations to the contrary.

1 Notwithstanding any provision in this section, the governing body
2 of a port district may enter into an agreement in writing with one or
3 more of its officers or employees or a group of such officers and
4 employees, authorizing deductions from the officer's or employee's
5 salary or wages of the amount of any premium specified in writing by
6 the officer or employee, for contribution to any private pension plan,
7 without loss of eligibility for membership in the state employees'
8 retirement system, and may agree to remit that amount to the management
9 of such private pension plan. However, no port district funds shall be
10 contributed or paid to such private plan. When such authorized
11 deductions are certified by the port commission to the port district's
12 auditor, the auditor shall draw and issue a proper warrant or warrants,
13 or check or checks if that method of payment is authorized by statute,
14 directly to and in favor of the person, firm, corporation, or
15 organization named in the authorization, for the total amount
16 authorized to be deducted from the payroll, together with a list
17 identifying the officers and employees for whom the payment is made.

18 Nothing in this section may be invoked to invalidate any private
19 pension plan or any public or private contributions or payments
20 thereto, or exclude members of any such private pension plan from
21 membership in the state employees' retirement system, if such private
22 plan was in operation on December 31, 2001.

23 (2) Prior to providing any existing or prospective employee with a
24 salary or other compensation that equals or exceeds that of the
25 governor of the state of Washington, a port commission must comply with
26 the conditions provided in subsection (3) of this section.

27 (3) If the circumstances in subsection (2) of this section apply,
28 a port commission must comply with the following conditions:

29 (a) The public must be provided with at least three months' advance
30 notice of any such action through means reasonably calculated to
31 provide actual notice of, and access to, detailed information regarding
32 the compensation being offered and the circumstances leading to such an
33 offer. At minimum, such notice shall include:

34 (i) The issuance by the port commission of official, written public
35 notice to all local and regional newspapers of general circulation
36 within the port district, and to local and regional television and
37 radio stations broadcasting into the port district;

1 (ii) The publication of a legal notice in each local or regional
2 newspaper of general circulation within the port district. Such notice
3 must be reasonably calculated to provide actual notice of, and access
4 to, detailed information regarding the compensation being offered and
5 the circumstances leading to the compensation offered, as well as
6 notice of the public meetings required to be held under (b) of this
7 subsection; and

8 (iii) The conspicuous posting on the port district's official
9 internet web site of detailed information regarding the compensation
10 being offered, the circumstances leading to the compensation offered,
11 and the notice of public meetings required under (b) of this
12 subsection;

13 (b) The holding of at least three public meetings of the port
14 commission regarding the compensation offer, during which members of
15 the public must be given a reasonable opportunity to be heard. The
16 port commission must provide the public with at least three weeks'
17 advance notice of each meeting in accordance with the requirements of
18 this subsection (3). Such notice must include detailed information
19 regarding the compensation being offered and the circumstances leading
20 to such an offer. The meeting notice must also include the date, time,
21 and location of all such meetings;

22 (c) Any additional procedural and public notice requirements set
23 forth in chapter 42.30 RCW and Title 53 RCW shall also apply to port
24 commission decisions subject to subsection (2) of this section to the
25 extent such requirements are not inconsistent with the requirements of
26 this subsection (3); and

27 (d) The port commission must provide a written report to the
28 appropriate committees of the senate and the house of representatives
29 no later than December 31st of the year in which the compensation was
30 first offered or provided. The report to the legislature must include
31 the following:

32 (i) A complete, detailed description of both the compensation being
33 offered or provided to the current or prospective employee and the
34 circumstances leading to the offer or provision of such compensation;

35 (ii) A description of the criteria used in evaluating
36 qualifications and experience of the current or prospective employee
37 and in determining the appropriate compensation for the employee's
38 services;

1 (iii) A comprehensive explanation of why the compensation is
2 warranted; and

3 (iv) A description of the performance measures that have been, or
4 will be, utilized in evaluating the performance of the current or
5 prospective employee.

6 (4) At such time as a port commission receives either formal or
7 constructive notice of the intended retirement or resignation of a port
8 employee, the port commission is prohibited from taking any action to
9 increase the value of the compensation provided to that employee.

10 (5) For the purposes of subsections (2) through (4) of this
11 section, "compensation" shall be broadly construed to mean wages,
12 salaries, vacations or vacation pay, retirement and pension benefits,
13 medical and other health or insurance-related benefits, and any other
14 benefit offered or provided to the current or prospective port
15 employee.

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